



CENTRAL VALLEY JOINT VENTURE

Conserving Bird Habitat in California's Central Valley

Conservation Organizations

Audubon California

California Waterfowl

Defenders of Wildlife

Ducks Unlimited, Inc.

Point Blue Conservation
Science

River Partners

The Nature Conservancy

Trust for Public Land

May 5, 2014

Felicia Marcus, Chair, State Water Resources Control Board
David Murillo, Regional Director, Bureau of Reclamation
Ren Lohofener, Regional Director, U.S. Fish and Wildlife Service
Chuck Bonham, Director, Department of Fish and Wildlife
Mark Cowin, Director, Department of Water Resources

RE: Ensure that water allocation and operation decisions meet CVPIA requirements

Dear Board Chair Marcus and Federal and State Directors,

On behalf of the Central Valley Joint Venture (CVJV) Management Board, I am writing to express our deep concern over the looming potentially serious impacts to Central Valley wildlife refuges and privately managed wetlands from recent federal and state water allocation and operation decisions. The CVJV is a public-private partnership with a mission to work collaboratively to conserve migratory bird habitat in California's Central Valley, in accordance with the CVJV Implementation Plan. Together, the *April 11, 2014 State Water Resources Control Board Order modifying an Order that approved a Temporary Urgency Change in license and permit terms and conditions requiring compliance with Delta water quality objectives in response to drought conditions* ("Order") combined with allocation decisions made in conjunction with the *State Water Project/Central Valley Project Coordinated Operations Agreement* ("SWP/CVP COA") may result in disastrously low water deliveries—and long-term habitat impacts—to south-of-Delta wildlife refuges.

In particular, we are concerned that these combined decisions will directly impact water deliveries to south-of-Delta state and federal wildlife refuges and privately managed wetlands within the Grassland Resource Conservation District. As a result, these wetlands may receive far less than 75% of their Level 2 water supply allocation under the federal Central Valley Project Improvement Act ("CVPIA"). As discussions occur between the state and federal agencies and water contractors regarding how to reconcile the State Board Order with the SWP/CVP COA and allocate water supplies to contractors, we emphasize the legal duty and public trust obligation your agencies have to deliver at least 75% of Level 2 water supply to Central Valley refuges in critical years.

Under Section 3406(d)(4) of the CVPIA, the Secretary may temporarily reduce deliveries of Level 2 water supply "up to 25% of such total whenever reductions due to hydrologic circumstances are imposed upon agricultural deliveries of Central Valley Project water." Thus, the CVPIA was very clear that the 19 federal, state and private wildlife refuges in California's Central Valley **shall not receive less than 75% of their minimum water supply (Level 2) in**

critical years. Further, this section provides that the Level 2 water supply to these refuges “shall not” be reduced more than any reductions imposed on agricultural service contractors.

Congress enacted these minimum water supply guarantees to the 19 Central Valley refuges and wildlife areas in order **to protect the last remaining five percent of the historic Central Valley wetlands** and to provide for and maintain minimal habitat for birds of the Pacific Flyway during critical periods when no other wetland habitat may be available in the Valley. In this year’s critical drought period in which wetlands outside of these 19 refuges and wildlife areas will be sparse, it is absolutely essential that the federal and state agencies live up to the letter and spirit of the CVPIA and protect decades of public conservation investments by providing bare minimum water needed for wetlands.

We appreciate and support actions that better integrate overall water management decisions that provide water to the Pacific Flyway in the Sacramento Valley and the San Joaquin Valley. Especially during dry years, as we are witnessing today, the water needs of the federal wildlife refuges, state wildlife areas, private wetlands, and seasonally-flooded agricultural lands (principally ricelands) should be recognized and managed on a holistic basis with other purposes, including flows for fish and farming needs.

We respectfully urge you to ensure that federal and state water allocation and operation decisions do not undermine the strict refuge water supply requirements of the CVPIA.

Sincerely,



John Carlon
Management Board Chair

cc: Natural Resources Secretary John Laird
BDCP Program Director Karla Nemeth
SWRCB Executive Director Tom Howard
Deputy Cabinet Secretary Wade Crowfoot
Senior Advisor Cliff Rechtschaffen
Deputy Secretary Michael Connor